

### ***Current anatomical gift law***

Current anatomical gift law is based, with some modifications, on the Uniform Anatomical Gift Act of 1987 promulgated by the National Conference of Commissioners on Uniform State Laws.

*Anatomical gift of one's body or body parts; refusal to make anatomical gift.* Under current law, an anatomical gift is a donation of a person's body or body parts (organs, including eyes, tissues, or bodily fluids) for transplantation, therapy, or medical research or education, that is effective upon the person's death. Currently, a person who is at least 18 years old may make an anatomical gift of his or her body or body parts by signing a written document of gift, or if he or she cannot do so, by directing another to sign a document of gift on his or her behalf. A person who is at least 18 years old may also refuse to make an anatomical gift of his body or body parts by signing a written refusal or, if the person has a terminal illness or injury, by communicating a refusal orally or by any other means of communication. The Department of Transportation must include on driver's licenses and identification cards a writing that may serve as a document of gift or a refusal, and must provide a sticker indicating organ donor status, which a person may affix to his or her driver's license or identification card. A person may amend or revoke a document of gift or a refusal during his or her lifetime.

Upon the death of a person who has made an unrevoked anatomical gift of his or her body or body parts, the anatomical gift is effective without need of consent or concurrence by any other person. An individual's unrevoked refusal bars all others from making an anatomical gift of the person's body or body parts. Absent contrary indications by a donor, an anatomical gift of a body part does not constitute a refusal or limitation on making an anatomical gift of another body part of the donor. Absent contrary indications by a donor, a revocation or amendment of an anatomical gift does not constitute a refusal to make another anatomical gift.

*Anatomical gift after death by a relative or agent.* If a deceased did not make an unrevoked anatomical gift or unrevoked refusal during his or her lifetime, the following relatives or agents of the deceased, in the order of priority listed, may make an anatomical gift of the deceased's body or body parts: 1) spouse; 2) adult child; 3) parent; 4) adult sibling; 5) grandparent; 6) guardian; or 7) health care agent. A person may not make an anatomical gift of a deceased's body or body parts if he or she knows that the deceased refused to allow an anatomical gift of his or her body or body parts or if any person with the same or higher priority to make an anatomical gift objects to making an anatomical gift. A relative or agent of a deceased may make an anatomical gift on behalf of the deceased by signing a written document of gift or providing an oral authorization for a gift that is recorded, transcribed, and signed. If an anatomical gift is made by a relative or agent of the deceased, any person with equal or greater priority to make an anatomical gift may revoke the anatomical gift unless procedures to remove a body part from the deceased have begun.

However, use of the sticker alone does not effect an anatomical gift.

relative or agent

higher

relating to his or her body or a particular body part

transplantation,  
therapy, medical  
research or education

Who may accept an anatomical gift. A hospital, physician, or organ procurement organization (OPO) may accept an anatomical gift made for any purpose, an individual may accept an anatomical gift of a body part for transplantation or therapy, and a school may accept an anatomical gift for medical research or education.

*Procurement process.* Federal law requires that hospitals notify a federally approved OPO or its designee of deaths and imminent deaths at the hospital. The OPO determines the medical suitability of a deceased's organs for donation, and may also determine the medical suitability of eyes and tissue for donation. Under federal law, if organs, tissues, or eyes are medically suitable for donation, the hospital, in collaboration with the OPO, must ensure that the family of the deceased is notified of its options to donate or refuse to donate organs, tissues, or eyes. The Organ Procurement and Transplant Network, created under federal law, controls the allocation of hearts, kidneys, livers, lungs, and pancreases for transplantation. Federal law also requires hospitals to have agreements with tissue banks and eye banks for the retrieval, storage, and distribution of tissue and eyes.

*Immunity.* Under current law, a person who acts, or in good faith attempts to act, in accordance with the anatomical gift law of this state or applicable anatomical gift law of another state or country is immune from civil or criminal liability for such acts.

### Changes made in the bill

This bill makes changes to anatomical gift law based on the Revised Uniform Anatomical Gift Act of 2006 promulgated by the National Conference of Commissioners of Uniform State Laws.

*Who may make an anatomical gift during a person's lifetime.* The bill provides that a person who is at least 15 and one-half years old may make an anatomical gift of his or her body or body parts. The bill also allows others under the following circumstances to make an anatomical gift on behalf of a person during the person's lifetime: a parent of an unemancipated minor may make an anatomical gift on behalf of the minor if the minor does not object; a health care agent for a person, or another designated by the person, may make an anatomical gift on behalf of the person; and a guardian may make an anatomical gift on behalf of a ward. However, absent contrary indications by an individual, no other person may make an anatomical gift on behalf of the individual during the individual's lifetime if the individual has made an unrevoked anatomical gift.

*Effect of anatomical gift or refusal made during person's lifetime.* Under the bill, if a person makes an anatomical gift on behalf of an individual during the individual's lifetime, no person, other than the person who made the anatomical gift, may amend or revoke the gift after the death of the individual. However, if an anatomical gift is made by or on behalf of an unemancipated minor during the minor's lifetime, a parent may revoke or amend the gift after the death of the minor. Also under the bill, if an unemancipated minor refused to make an anatomical gift, the minor's parent may revoke the refusal after the death of the minor.

*Anatomical gift on behalf of a deceased or a person near death.* The bill expands the list of persons who may make an anatomical gift on behalf of a deceased to include

However a parent, agent, or guardian may not make an anatomical gift of an individual's body or body part if the individual made an unrevoked anatomical gift of his or her body or the part, except that in limited instances the parent, agent, or guardian may expand the purpose of the individual's gift.

or an emancipated minor

adult grandchildren, adults who exhibited special care and concern for the deceased, and any person who has authority to dispose of the body; and the bill elevates the priority of health care agents to make anatomical gifts. Under the bill, the priority for making an anatomical gift on behalf of a deceased is as follows: 1) health care agent; 2) spouse; 3) adult child; 4) parent; 5) adult sibling; 6) adult grandchild; 7) grandparent; 8) adult who exhibited special care and concern for the deceased; 9) guardian; and 10) any other person who has authority to dispose of the body. The bill further provides that these persons may make an anatomical gift on behalf of an individual who is "near death," not just after death.

Under the bill, if there is disagreement among people who have equal priority to make an anatomical gift on behalf of a deceased or an individual who is near death, a gift may be made by a majority of the people. An anatomical gift made on behalf of a deceased or an individual who is near death may be amended by a person who has higher priority to make the gift, except if multiple people have authority to amend the gift, a majority is needed for amendment. An anatomical gift may be revoked by a person with higher priority to make a gift, except if multiple people have authority to revoke the gift, at least half must agree for the revocation to take effect. A revocation is not effective if an incision has been made in the deceased or if invasive procedures have been begun to prepare a recipient for transplant.

*Method of making an anatomical gift, refusal, amendment, or revocation.* The bill allows persons to authenticate records of anatomical gifts, refusals, amendments, and revocations of anatomical gifts or refusals with an electronic signature. The bill permits a person to make an anatomical gift of his or her body or body parts by affixing a symbol or statement that indicates that the person has made an anatomical gift, such as an organ donor sticker, on his or her driver's license or identification card. A person who has a terminal illness or injury may make an anatomical gift by oral communication to two adults, at least one of whom is a disinterested witness. Further, a person may make an anatomical gift of his or her body or body parts by authorizing inclusion of his or her intent to make an anatomical gift in a donor registry. Under the bill, a parent, health care agent, or guardian who has authority to make a gift on behalf of another person during the person's lifetime may do so by signing a record of gift or including the gift in a donor registry. Finally, the bill allows a person to make a gift on behalf of a deceased or an individual who is near death by means of an oral communication that is electronically recorded, or an oral communication that is contemporaneously reduced to a record that is signed by the person receiving the communication.

The bill permits additional methods of amending and revoking anatomical gifts or refusals. Under the bill a person may amend an anatomical gift or refusal by executing a subsequent gift or refusal that is inconsistent with the first. And, a person may revoke an anatomical gift or refusal that was made in a record by destroying the record, or that part of the record, in which it is made.

*Procurement procedures.* The bill codifies federal law requiring hospitals to enter into agreements with OPOs, tissue banks, and eye banks (procurement organizations) for the procurement and use of body parts, and requiring hospitals to notify OPOs of deaths and imminent deaths. The bill also codifies federal law

the same higher priority

procurement organization

regarding contacting family members of deceased persons to inform them of their options to make or refuse to make anatomical gifts.

Under the bill, when a hospital notifies a procurement organization of a death or imminent death, the procurement organization must search <sup>the</sup> Department of Transportation driver's license and identification card files, as well as any donor registry covering the geographic area served by the OPO, for information as to whether the deceased person or person whose death is imminent made an anatomical gift or whether an anatomical gift was made on his or her behalf. The bill requires the Department of Transportation to provide information in its driver's license an identification card files regarding organ donor status to a procurement organization upon request. Unless the person made an unrevoked refusal, the procurement organization may conduct any reasonable examination to determine whether the persons' body parts are medically suitable for transplantation, therapy, research, or education, including an examination of the person's medical or dental records. The bill prohibits the withholding or withdrawing of measures to ensure the medical suitability of a body part for donation during such examination, unless the hospital or procurement organization knows that the person expressed a contrary intent. If a procurement organization determines that any of the person's body parts are medically suitable for transplantation, therapy, research, or education, the procurement organization must search for a person who has authority to make an anatomical gift of the body parts. Finally, the procurement organization must inform any person or organization who is to receive a donated body or body part of relevant information regarding the anatomical gift. A person or organization who receives a donated body or body part may conduct a reasonable examination, including an examination of the donor's medical or dental records. \*

*Interaction between anatomical gifts and health care power of attorney or do-not-resuscitate order.* The bill provides that if a person executed a health care power of attorney or a do-not-resuscitate order and the person's body parts may be the subject of an anatomical gift, measures to ensure the medical suitability of body parts for transplantation may not be withdrawn or withheld from the person unless the health care power of attorney or do-not-resuscitate order expressly provides to the contrary.

*Receipt and use of donated bodies or <sup>an</sup> body parts.* The bill adds tissue banks and eye banks to the list of persons and organizations who may accept donated body parts and establishes rules governing who receives donated bodies and body parts. The bill provides generally, that unless <sup>a</sup> anatomical gift names a specific person or organization to receive a donated body or body part, organs, other than eyes, go to an OPO, tissues go to a tissue bank, and eyes go to an eye bank. Under the bill, if an anatomical gift of a body part is designated for a specific individual for transplantation and the body part cannot be transplanted into that individual, the body part passes to the appropriate OPO, tissue bank, or eye bank. If no recipient is named in an anatomical gift, and more than one purpose is designated, the donated body parts must be made first available for transplantation or therapy. If no recipient and no purpose are identified in an anatomical gift, or if only a general intent to make a donation is specified, for example by use of an organ donor sticker,

the body parts may be used only for transplantation or therapy. A person may not accept an anatomical gift of a body or body part if the person has actual knowledge that the anatomical gift was not validly made or actual knowledge that the anatomical gift was revoked.

*Immunity and liability.* In addition to the civil and criminal immunity provided under current law, this bill provides that a person who acts, or attempts in good faith to act, in accordance with the anatomical gift law of this state or applicable anatomical gift law of another state or country is immune from liability for the act in administrative proceedings. ✓ The bill also provides that although emergency service and hospital personnel who are required to search for a record of an anatomical gift or refusal may not be held criminally or civilly liable for failure to search for and deliver such records, they may be subject to administrative sanctions for such a failure. ✓

*Penalty for falsifying a record of anatomical gift or refusal.* The bill makes it a crime to intentionally falsify, forge, conceal, deface, or obliterate a record of an anatomical gift or refusal or an amendment or revocation of such a record. The maximum penalty for a violation is imprisonment not to exceed 6 years, a fine not to exceed \$50,000, or both. six

*Validity of anatomical gifts and choice of law.* The bill provides that an anatomical gift is valid in this state if it is made in accordance with the laws of this state, the laws of the state or country where it was made, or the laws of the state or country in which the person who made the gift was domiciled, had a place of residence, or was a national at the time the gift was made. Under the bill, the laws of this state apply to the interpretation of any gift that is valid in this state. The bill specifies that a person may presume that an anatomical gift or amendment is valid unless the person has actual knowledge that it was not validly made or was revoked. The bill also specifies that a person may, in determining whether an individual has authority to make an anatomical gift on behalf of a deceased or someone who is near death, rely on the representation of the individual as to his or her relation to the subject of the anatomical gift (other than as a health care agent or guardian). ✓

*Donor registry.* The bill provides that the Department of Health and Family Services (DHFS) may establish a donor registry, and if it does, that the Department of Transportation must cooperate with DHFS in establishing the registry. ✓

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

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the analysis tags

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1835/1dn

RUR.....

gjs

D-NOTE  
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Also, I identified a couple more questions when writing the bill analysis:

1. Under the bill, there is no minimum age requirement for executing a refusal to make an anatomical gift. Under current law, the minimum age is 18. Do you want a minimum age for refusals?
2. Under proposed s. 157.06 (14m) (b), which codifies federal law, a hospital must ensure that the "family" of each potential donor is informed of its options to donate or refuse to donate. Should this paragraph instead ensure notification of persons under s. 157.06 (9) (a)?

Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov

**2007-2008 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1835/dnins

RLR:.....

*DE* D-Note  
Insert

(21)5

In the definitions of "part" and "tissue," I changed "organ" to "vascularized organ," as requested. UAGA does not use the term "vascularized organ." The definition of "vascularized organ" in this draft is from current law, which we retained because the term is used in current law s. 157.06 (4m) regarding coroner and medical examiner authorizations (s. 157.06 (23m) in the draft). Do you want to change all references to "organ" in proposed s. 157.06 to "vascularized organ"? The references are at proposed s. 157.06 (2) (z), (11) (f) 3. and (i), (14m) (a) 2. and (b) to (e), (23m) (e) 1., and (26m) (a). Please look particularly at proposed s. 157.06 (11) (f), with respect to whether only vascularized organs pass to organ procurement organizations, or all organs pass to organ procurement organizations. If you intend that non-vascularized organs are tissues, then I should change the bill so that non-vascularized organs pass to tissue banks. ✓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1835/1dn

RLR:cjs:rs

August 17, 2007

In the definitions of "part" and "tissue," I changed "organ" to "vascularized organ," as requested. UAGA does not use the term "vascularized organ." The definition of "vascularized organ" in this draft is from current law, which we retained because the term is used in current law s. 157.06 (4m) regarding coroner and medical examiner authorizations (s. 157.06 (23m) in the draft). Do you want to change all references to "organ" in proposed s. 157.06 to "vascularized organ"? The references are at proposed s. 157.06 (2) (z), (11) (f) 3. and (i), (14m) (a) 2. and (b) to (e), (21), (23m) (e) 1., and (26m) (a). Please look particularly at proposed s. 157.06 (11) (f), with respect to whether only vascularized organs pass to organ procurement organizations, or all organs pass to organ procurement organizations. If you intend that non-vascularized organs are tissues, then I should change the bill so that non-vascularized organs pass to tissue banks.

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Robin Ryan  
Legislative Attorney  
Phone: (608) 261-6927  
E-mail: robin.ryan@legis.wisconsin.gov



**Ryan, Robin**

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**From:** Maroney Lisa A. [LMaroney@uwhealth.org]  
**Sent:** Wednesday, August 22, 2007 3:34 PM  
**To:** Ryan, Robin  
**Cc:** Becher, Scott; Terry Tuschen; Miller Robert D.; mmcally@fmlh.edu  
**Subject:** RE: UAGA draft

Robin,

This is in response to the questions raised in your August 17 memo. On the first point about the definition of organ, vascularized organ, we are fine with the draft remaining as is. Secondly, we do not want a minimum age for refusals and lastly, please stay with the federal language. Thanks.

Lisa Maroney, State and Local Health Relations  
UW-Madison, Chancellor's Office  
UW Health  
635 Science Drive, Suite 150  
Madison, WI 53711  
(608)265-1653 work  
(608)206-5829 cell  
(608)263-6394 fax

-----Original Message-----

**From:** Tuschen, Terry [mailto:Terry.Tuschen@legis.wisconsin.gov]  
**Sent:** Friday, August 17, 2007 1:44 PM  
**To:** Maroney Lisa A.  
**Cc:** Becher, Scott; Terry Tuschen  
**Subject:** UAGA draft

Hi Lisa, the UAGA draft and drafter's note just arrived. Let us know what your people think.  
Thanks and have a good weekend.

Terry

<<07-18351.pdf>> <<07-18351dn.pdf>>

\*\*\*\*\*

Terry Tuschen  
Office of State Senator Fred Risser  
220 South, State Capitol  
Madison, WI 53702  
608.266.1627  
Terry.Tuschen@legis.state.wi.us

**Duerst, Christina**

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**From:** Tuschen, Terry  
**Sent:** Monday, October 08, 2007 11:31 AM  
**To:** LRB.Legal  
**Cc:** Tuschen, Terry  
**Subject:** Draft Review: LRB 07-1835/2 Topic: Anatomical gfits

Please Jacket LRB 07-1835/2 for the SENATE.

# Memo

To: Senator

Risser

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2007 session draft.**

**LRB Number: 2007 LRB-1835**

**Version: "/1 "**

**Fiscal Estimate Prepared By: (agency abbr.) DOR**

If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.

**Entered In Computer And Copy Sent To Requester Via E-Mail: 09 / 26 / 2007**

**\* \* \* \* \***

**To: LRB – Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Christina) to process.

**THIS DRAFT WAS INTRODUCED AS: 2007 \_\_\_\_\_**

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Wednesday, September 26, 2007 10:01 AM  
**To:** Sen.Risser  
**Cc:** Tuschen, Terry  
**Subject:** LRB 07-1835/1 (un-introduced) (FE by DOR - attached - for your review)  
**Attachments:** FE\_Risser.PDF



FE\_Risser.PDF (363  
KB)

**Note: Early FE's for "1" were requested by Scott Becher in Rep. Wieckert's office.**

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

## Fiscal Estimate - 2007 Session

☒ Original      ☐ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>07-1835/1</b>		<b>Introduction Number</b>	
<b>Description</b> Anatomical gifts, granting rule-making authority, and providing a penalty			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input checked="" type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around;"><span><input type="checkbox"/> Yes</span><span><input type="checkbox"/> No</span></div>	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<div style="display: flex;"><input type="checkbox"/> Permissive<input type="checkbox"/> Mandatory</div>		<div style="display: flex;"><input type="checkbox"/> Permissive<input type="checkbox"/> Mandatory</div>	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<div style="display: flex;"><input type="checkbox"/> Permissive<input type="checkbox"/> Mandatory</div>		<div style="display: flex;"><input type="checkbox"/> Permissive<input type="checkbox"/> Mandatory</div>	
<b>5. Types of Local Government Units Affected</b>			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
DOR/ Bradley Caruth (608) 261-8984		Rebecca Boldt (608) 266-6785	9/26/2007

## Fiscal Estimate Narratives

DOR 9/26/2007

LRB Number 07-1835/1	Introduction Number	Estimate Type Original
<b>Description</b> Anatomical gifts, granting rule-making authority, and providing a penalty		

### Assumptions Used in Arriving at Fiscal Estimate

Current Wisconsin law allows a human organ donation subtraction for up to \$10,000 of unreimbursed expenses related to the organ donation. As defined, human organ means all or part of a liver, pancreas, kidney, intestine, lung, or bone marrow. The subtraction is limited to the taxable year in which the transplantation occurs and the subtraction may only be claimed once.

This bill changes the wording of the subtraction, but does not alter the eligibility or amount of the subtraction. As a result, the bill has no fiscal effect.

### Long-Range Fiscal Implications

# Memo

To: Senator **Risser**

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2007 session draft.**

**LRB Number: 2007 LRB-1835**

**Version: “/1 ” (FE is for old version ... draft is now a “/2”)**

**Fiscal Estimate Prepared By: (agency abbr.) DHFS**

**If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.**

**Entered In Computer And Copy Sent To Requester Via E-Mail: 10 / 09 / 2007**

**\* \* \* \* \***

**To: LRB – Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Unintroduced Draft*

**> If redrafted ...** please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

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**THIS DRAFT WAS INTRODUCED AS: 2007 \_\_\_\_\_**

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Tuesday, October 09, 2007 11:08 AM  
**To:** Sen.Risser  
**Cc:** Tuschen, Terry  
**Subject:** LRB 07-1835/1 (un-introduced) (FE by DHFS - attached - for your review)  
**Attachments:** FE\_Risser.pdf



FE\_Risser.pdf (193  
KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)



## Fiscal Estimate - 2007 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>07-1835/1</b>	<b>Introduction Number</b>	
<b>Description</b> Anatomical gifts, granting rule-making authority, and providing a penalty		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input checked="" type="checkbox"/> No State Fiscal Effect  <input type="checkbox"/> Indeterminate                      <input type="checkbox"/> Increase Existing Appropriations                      <input type="checkbox"/> Decrease Existing Appropriations                      <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                      <input type="checkbox"/> Yes      <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs                 </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input type="checkbox"/> Indeterminate                      1. <input type="checkbox"/> Increase Costs                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      2. <input type="checkbox"/> Decrease Costs                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;">                     3. <input type="checkbox"/> Increase Revenue                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      4. <input type="checkbox"/> Decrease Revenue                      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <input type="checkbox"/> Towns    <input type="checkbox"/> Village    <input type="checkbox"/> Cities  <input type="checkbox"/> Counties    <input type="checkbox"/> Others  <input type="checkbox"/> School Districts    <input type="checkbox"/> WTCS Districts                 </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>		
<b>Agency/Prepared By</b> DHFS/ Ellen Hadidian (608) 266-8155	<b>Authorized Signature</b> Andy Forsaith (608) 266-7684	<b>Date</b> 10/8/2007

## Fiscal Estimate Narratives

DHFS 10/8/2007

LRB Number	07-1835/1	Introduction Number	Estimate Type	Original
<b>Description</b> Anatomical gifts, granting rule-making authority, and providing a penalty				

### Assumptions Used in Arriving at Fiscal Estimate

This bill makes changes to current anatomical gift law on the basis of the federal Revised Uniform Anatomical Gift Act of 2006. Among other provisions, the bill lowers the age at which an individual can make an anatomical gift, expands the list of those individuals who may make an anatomical gift on behalf of another, provides a procedure for the gift in the event of disagreement, clarifies certain procedures regarding the making, refusal, amendment or revocation of an anatomical gift, and codifies federal procurement procedures in state law.

There will be no mandatory increases in cost associated with the provisions of this bill to the Department. However, LRB 1835 allows but does not require the Department to establish a donor registry. The Department of Transportation is required to cooperate with the establishment of the registry, if the Department decides to proceed.

It is estimated that the one-time cost of developing a registry would be between \$50,000 GPR and \$100,000 GPR. This cost would cover the analysis, coding, and testing of the application. Maintenance costs are estimated to be \$10,000 annually.

### Long-Range Fiscal Implications

LRB-1835

**Ryan, Robin**

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**From:** Tuschen, Terry  
**Sent:** Tuesday, October 02, 2007 9:42 AM  
**To:** Ryan, Robin  
**Cc:** Tuschen, Terry  
**Subject:** RE: anatomical gifts bill

Hi Robin, yes, we want the same change made to the Risser draft.

Thanks, Terry

-----Original Message-----

**From:** Ryan, Robin  
**Sent:** Tue 10/2/2007 8:29 AM  
**To:** Tuschen, Terry  
**Subject:** anatomical gifts bill

Terry,

Scott Becher had me redraft the Wieckert anatomical gifts bill to delete the provision that requires procurement organizations to search DOT files (and any other donor registry) to determine whether a person who has or is about to die in a hospital is an organ donor. I believe Trey requested the change. According to Trey, the DOT files are not accurate because DMV staff used to record a lack of response to the organ donation question as a "no". Do you want the same change made in the Risser draft (LRB-1835)? I am out from 9:45 to 3:45 at the Leg. Council symposium.

Robin